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OFFICE OF PETITIONS

In re Application of	:	
VAN DER VEEN	:	DECISION
Application No. 09/383,115	:	ON PETITION
Filed: August 25, 1999	:	
Attorney Docket No. 21336-703	:	

This is a decision on the petition under 37 CFR 1.137(b), filed August 29, 2005 (certificate of mailing dated August 25, 2005), to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure submit the issue fee in a timely manner in reply to the Notice of Allowance and Fee(s) Due, mailed January 26, 2005, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on April 27, 2005.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the issue fee of \$1400; (2) the petition fee of \$1500; and (3) the required statement of unintentional delay have been received. Accordingly, the issue fee payment is accepted as having been unintentionally delayed.


It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

In accordance with 37 CFR 1.33(a)(2), the correspondence address can be changed by the parties set forth in 37 CFR 1.33(b) except for registered practitioners who are not of record and that act in a representative capacity under the provisions of 37 CFR 1.34. Because the party requesting the change of correspondence address is a registered practitioner not of record, the correspondence address will remain unchanged.

Telephone inquiries concerning this decision should be directed to Denise Pothier at (571) 272-4787.

The application matter is referred to Technology Center Art Unit 2143 for consideration of the Amendment After Allowance (37 CFR 1.312) dated August 29, 2005.


Frances Hicks
Petitions Examiner
Office of Petitions

cc: Robert B. Polit
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